



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,194	02/12/2002	Klimenty Vainstein	2222.5390003	7090

26111 7590 07/16/2008
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PALIWAL, YOGESH

ART UNIT	PAPER NUMBER
----------	--------------

2135

MAIL DATE	DELIVERY MODE
-----------	---------------

07/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of 3:

Proposed amendment filed on June 27, 2008 is not entered because applicant proposed amendments to several claims. Applicant amended claims 1, 2, 5-9, 12, 14, 28, 36, and 40-42. While examiner believes and agrees with applicant that amendments made to claims 1, 2, 5-9, 12, 14 and 28 does not necessarily change the scope of the claims, however, amendments proposed to claims 36 and 40-42 does change the scope of claims by changing optional claim language to a fixed claim language which requires further consideration and/or search.

Response to Arguments

1. Applicant's arguments filed on 6/27/2008 have been fully considered but they are not persuasive.

- Applicant alleges that office action mailed on 4/28/2008 was an improper final rejection, application argues that: "The Examiner has made the instant Office Action final, stating that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." (Office Action, p. 21). M.P.E.P. § 706.07(a) states, "[u]nder present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). The new ground of rejection of claims 1-35, which introduces a new

reference, was not necessitated by Applicants' amendment of claims because the new reference is not used to teach or suggest the amended language.

Moreover, the new rejection is not based on information submitted in an information disclosure statement. Accordingly, Applicants respectfully request that the finality of the instant Office Action be withdrawn."

- In reply, examiner would like to point out that non final rejection (mailed on 8/10/2007), included U.S.C. 103(a) rejection of claims 1-35 as being unpatentable over Samson in view of Boebert and Narasimhalu. While Samson and Boebert discloses other limitations of the claims, Narasimhalu was relied upon to teach the limitation "retrieving a user key permitting access to an encrypted header of the secured item, the encrypted header including access rules for the secured item." In the amendment submitted on 1/10/2008, application amended the above limitation to recite, "retrieving at the first server machine a user key permitting access to an encrypted header of the secured item, the encrypted header including access rules for the secured item;". The inclusion of "at the first server machine" changed the scope of the claim and particularly the scope of the limitation for which Narasimhalu was used. In the final rejection (mailed on 4/28/2008), En-Seung was used to teach the amended limitation and Narasimhalu reference was withdrawn as a result. Therefore, applicant's request to withdraw the finality of the office action is not proper because the changes in the grounds of the rejection were necessitated by the amendment as shown above and the final rejection is proper.

- Regarding the rejection of claims 1-35 applicant argues that, “None of the aforementioned elements of En-Seung can reasonably be understood by a skilled artisan as being "access rules" as recited in claims 1, 21, 34, and 35.”.
- In reply, examiner would like to point at column 5, lines 12-18 En-Seung recites, “The user's authorization information indicates a hash value for the user key that is generated by using the key information. When the hash value of the user's key that is generated from the key information for the user is determined to be the same as the hash value in the user's authorization information found in the header, the user is considered to be authorized to replay the encrypted digital information.” As recited in the part, user's authorization information indicates a hash value for the user key and only when the user is determined have the same hash value for the user's key as the hash of user's key from the authorization information, the user is considered to be authorized. Therefore, the requirement of matching the hash is what examiner is interpreting as an “access rule” because this information dictates if the user is authorized to have access or not. Therefore, En-Seung discloses “access rules” and the rejection of claims 1-35 is maintained.
- Regarding the rejection of claim 36, applicant argues that,” However, the Examiner's characterization of the limitation of Stallings' teachings is incomplete. Since Stallings does not teach or suggest "permitting access based on information stored in an encrypted header of a secure item," as recited in claim 36, as the Examiner concedes, Stallings also cannot teach or suggest "wherein,

based on information stored in an encrypted header of a secure item a given requestor ... is only able to access the secure item using only a single one of said local servers or the central server," as recited in claim 36. Therefore, even assuming, arguendo, that Stallings limits access to a secured item through at most one local server at a time, and further assuming, arguendo, that Narasimhalu teaches permitting access based on an encrypted header, there is no teaching or suggestion in either applied reference of "a given requestor [being] only able to access the secure item using only a single one of said local servers or the central server" where this access restriction is "based on information stored in an encrypted header of a secure item," as recited in claim 36."

- Applicant's arguments regarding claim 36 are not persuasive. Stallings does not explicitly disclose wherein, based on information stored in an encrypted header of a secure item a given requestor, permitted to access the secure item through one or more of said local servers. However, Narasimhalu clearly discloses wherein, based on information stored in an encrypted header of a secure item a given requestor, permitted to access the secure item (Fig. 2 and 4 in combination with page 5 lines 35-47) through one or more of a local server (See Fig. 1, numeral 10, "Information provider", secure item is provided through information provider which is interpreted as a server). Therefore, examiner maintains that the combination of Stallings and Narasimhalu still disclose all the limitations of claim 36 and thus the rejection is maintained.

Application/Control Number: 10/075,194
Art Unit: 2135

Page 6